

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Thomas J. Lochtefeld	)	Group Art Unit	Unknown
			)		
Reissue			)		
Appl. No.	:	Unknown	)		
			)		
Filed	:	Herewith	)		
			)		
Reissue of			)		
Patent No.	:	5,899,634	)		
			)		
Issued	:	May 4, 1999	)		
			)		
For:	:	SIMULATED WAVE WATER	)		
		SCULPTURE	)		
			)		
Examiner	:	Unknown	)		

**REISSUE APPLICATION DECLARATION**  
**UNDER 37 C.F.R. § 1.175**  
**AND POWER OF ATTORNEY BY INVENTOR**

Assistant Commissioner for Patents  
 Washington, D.C. 20231

Dear Sir:

I, the undersigned inventor, hereby declare that:

1. My residence, post office address and citizenship are as stated below next to my name.
2. I believe that I am the original, first inventor of the subject matter described and claimed in U.S. Patent No. 5,899,634 (the '634 patent), issued May 4, 1999, and of the subject matter disclosed and claimed in the accompanying reissue application.

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Issued : May 4, 1999

3. I have reviewed and understand the contents of the specification (including the claims as modified by the attached Preliminary Amendment) of the accompanying reissue application.

4. I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56. In compliance with this duty and in accordance with 37 C.F.R. §§ 1.97 to 1.98, an Information Disclosure Statement is being submitted herewith.

5. On information and belief, the '634 patent is partially inoperable or invalid by claiming more or less than I had a right to claim. Specifically, at least one insufficiency in the claims resides in the failure to present claims directed to a method for creating a walk-through water sculpture comprising the steps of providing a flow surface having a substantially concave inclined portion, providing a walkway or platform adjacent the flow surface, providing a reservoir of water, and directing a flow of water from the reservoir onto the flow surface so that the flow of water substantially conforms to the flow surface and curls over the walkway or platform and into the reservoir. At least one of the new claims presented in the reissue application is directed to this feature, while the original claims of the '634 patent are not. No original claim has a scope equal to that defined by reissue claims 42-81. The insufficiency also resides in the failure to consider U.S. Patent No. 2,268,932 (the '932 patent), to Gatewood, during prosecution of the patent.

6. I was not aware of the '932 patent during the prosecution of the application that became the '634 patent, and the '932 patent may be material to examination of the '634 patent. Reissue claims 42, 51, 68 and 72 are independent claims that are directed to a water sculpture. Reissue claim 75 is an independent claim that is directed to an apparatus for forming a water tunnel. Reissue claim 62 is directed to a method for creating a walk-through water sculpture. Reissue claim 79 is directed to a method of forming a water tunnel. These new claims, the claims that depend therefrom, and the pending originally-issued claims are believed to be patentable over the '932 patent and all of the references cited in the original '634 patent.

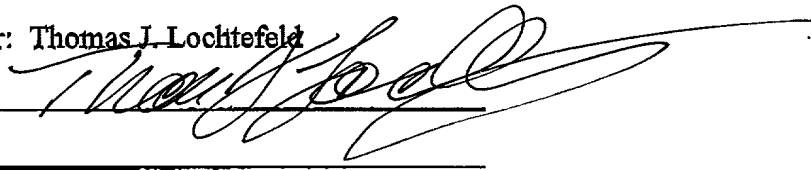
7. On information and belief, all errors being corrected in the reissue application arose without any deceptive intent on my part.

8. I declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these

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Issued : May 4, 1999

statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or patent issuing therefrom.

Full name of Inventor: Thomas J. Lochtefeld

Inventor's Signature: 

Date: 5/3/01

Residence: 210 Westbourne Street, La Jolla, CA 92607

Citizenship: United States

Post Office Address: Same as Above

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		SCULPTURE	)	
			)	
Examiner	:	Unknown	)	

ASSENT OF ASSIGNEE TO REISSUE

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

The undersigned is empowered to act on behalf of the assignee, LIGHT WAVE, LTD.  
("Assignee").

In accordance with 37 C.F.R. § 3.73(b), Assignee represents that it is the assignee of the entire right, title and interest in the above-identified Letters Patent by virtue of an assignment from the inventor of said Letters Patent. The Assignment from the inventor to Light Wave, Ltd. was recorded in the United States Patent and Trademark Office at Reel 8288, Frame 0588. A copy of the Assignment is attached.

The undersigned has reviewed all the documents in the chain of title of the Letters Patent identified above, and to the best of the undersigned's knowledge and belief, title is in the Assignee.

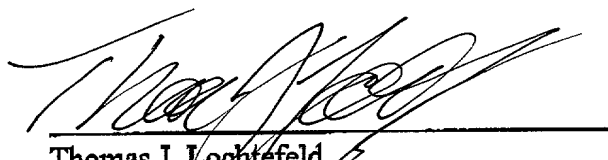
Patent No. : 5,899,634  
Issued : May 4, 1999

Assignee hereby assents to the accompanying application for reissue of the above-identified Letters Patent.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or patent issuing therefrom.

LIGHT WAVE, LTD.

Dated: 5/3/01

  
Thomas J. Lochtefeld  
President

Blade Lock, Inc.

General Partner

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